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Manager-Level Quarterly Meeting
Portland Harbor Projects Coordination
DEQ, NMFS, USACE, EPA
October 6, 2015 – 1:30 pm – 3:00 pm
DEQ NWR Office – Conference Room 619

Attendees: Keith Johnson, Kevin Parrett (for part), Marc Liverman, Jaimee Davis, Michael LaDouceur, Alex Liverman and calling in were Sean Sheldrake, Eva DeMaria & Lance Peterson (CDM).

We convened at 1:30, introduced new participants/transitions (Jaimee Davis, is now USACE Regulatory Branch Chief of Portland District, Sean Sheldrake is EPA's PH rep for 404 concurrence, Eva DeMaria replaced Rich Muza as EPA's PH Source Control contact) and recapped the purpose and process of the coordination groups – initiated to improve interagency coordination in permitting to get cleanup projects on the ground, which may have been in development for years – a secondary goal includes improving EPA/NMFS coordination on the PH remedy BO, consistent with past and on-going USACE permitted/led projects. Sean noted that batching in-water actions into a programmatic BO may be useful, conversations between EPA and NMFS will continue on that and some upland-nexus projects may remain USACE-permitted separate actions under DEQ authority.

We revisited the LOA signed by USACE, DEQ and EPA and acknowledged that the PH permits coord process is mostly following the intended coordination and elevation schemes laid out in the LOA. A management contact is needed for EPA. LOA signator for EPA was the Region 10 Cleanup manager (currently Cami Grandinetti), but Sean and Eva suggested that Davis Zhen, PH Unit manager who reports to Cami, would be appropriate. Keith will call Davis to invite him to participate and Alex will provide past info, minutes and docs for Keith to email to Davis. Marc and Jaimee will be cc'd and can connect with Davis, as convenient. We will invite Davis to participate in person at the next quarterly meeting in January.

We next recapped staff actions and project discussions from the preceding quarter (Jul-Sep 2015). The streambank help tools package, while currently being distributed as needed, will be edited further by USACE Public Affairs prior to posting on the USACE website. Michael will pick this up again in Oct and give an update at the next staff level meeting (Oct 22). We summarized presentations by applicants: 1) Kinder Morgan – Willbridge proposals under NWP 38 to repair the “flume” to prevent contaminated groundwater from making it to the river and a small removal of DDx sand from the beach under their dock. (Sean would like to coordinate on the removal and Mike Romero and Matt McClincy will discuss sampling to date and Michael will follow up to coord prior to application submittal in Dec). 2) Gunderson conceptual Area 3 final bank remedy to be designed in consideration of EPA's remedy. 3) PGE RM 13.1 sediment cap, similar to RM 13.5 cap currently being installed, but with more municipal and ODOT issues and involvement. EPA attended the Gunderson and PGE presentations, so earlier coordination has begun, which should improve outcomes hurdles experienced on the RM 13.5 cap due to EPA comments late in the game. Sean noted care should be taken with naming projects in or out of the boundaries of the CERCLA site. Alex noted that the LOA discusses CERCLA coord on USACE permits for projects “located between the confluence of the Willamette and Columbia Rivers and the Willamette Falls.”

Next we debriefed on the history and struggles with Gunderson – placing bank stabilization measures without notifying or getting permits from any agencies, DEQ's Consent Order requiring riprap to stabilize the failed measures areas, multiple ignored invites to discuss rock placement at the staff-level permitting coord meetings, and finally refusal to provide information and mitigation as requested by the agencies once the permit process began. Elevating the issue to the management level at the 11th hour allowed a potential solution, but permits must be in place before Oct 15th for the applicant to complete the work before close of the in-water work window on Oct 31st. Sean will work to complete EPA comments quickly, Michael will coordinate with him offline and then email the applicant, Alex will coordinate with DSL for waiver. DEQ is drafting a letter to clarify expectations and deadlines toward enforcement, which all agencies will be copied on. This should help convey the agencies consensus message that this must be temporary and the final remedy must be designed to include habitat features/mitigation. Each agency should refer to this message in comments on the revised Area 3 bank feasibility study, expected in Dec 2015.

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Last project updates included Evraz nearing completion of the bank project permitted last year, Front LP (Tube Forgings, Hampton Lumber, CalPortland) bank sampling plan in development, Willamette Cove moving forward with beach sand removal soon.

A few coordination concerns that cropped up this quarter were discussed: 1) EPA 404 concurrence for projects outside the PH study area, late in the process and difficult to reconcile in the NWP/programmatic instruments – LOA indicates broad location is appropriate and earlier coordination should improve with EPA participation in staff-level coord meetings; 2) PSET coord – clarification on EPA staff coord = Sean will support Bridgette on CERCLA issues with James sending him agendas to alert him to meetings/projects he should participate in. DEQ and NMFS have PH & PSET staff coordination in place and will continue that. 3) NWP 6 standardized sampling BMPs to allow expedited approval/programmatic BO – Jaimee indicated that making this non-reporting was a hard case because of Sec 106 (archeology) as well as ESA presence, but USACE is considering developing an RGP that would address these things and which would just be a matter of a short letter indicating projects fit. Timeline is unknown, but managers should bug Jaimee at each quarterly meeting for progress and an update.

The managers decided that quarterly meetings continue to be an appropriate interval, with cancellation accompanied by a summary of activity over the quarter as an option for quarters without elevation issues to be discussed.

On last call for issues, Marc indicated that US Moorings contacted NMFS for a site tour to discuss the next phase of bank/site work. Sean had not heard further following the email exchange with Chris Budai from several months back. Marc will have Genevieve coordinate with EPA and DEQ 401 (no USCAE permit).

We confirmed next steps and adjourned at 3:05.